

Applicant : Surya Kumar Kovvali et al.
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REMARKS

Allowable subject matter

The office action indicates that claims 38-40 would be allowable if rewritten in independent form. Claim 38 depends on independent claim 18. The applicant has amended claim 18 to include all the limitations of claim 38 and has canceled claim 38. Therefore independent claim 18 is allowable as amended.

Claims 19-37 and 39-42, which depend on claim 18, are therefore also allowable for at least the reason that claims 18 is allowable.

The office action identifies reasons for allowance for claims 38-40. The applicant does not concede that the stated reasons are the only grounds for patentability of the claims, that the limitations excluded from the reasons for allowance are taught or suggested by the art of record, or that all of the limitations are necessary for patentability of the allowable claims or other claims directed to the disclosed subject matter.

Claims rejected under 35 USC 102 or 35 USC 103

Claims 43-48 stand rejected. The applicant has cancelled these claims without addressing or conceding the position taken in the office action. These rejections are therefore moot.

Rejections under 35 USC 112

Claims 20, 33-35 and 39 stand rejected under 35 USC 112. The applicant has amended claims 20, 33, 35 and 39 to address these rejections. With regard to claim 34, the applicant submits that the claim is allowable as pending.

The office action also asks for clarification of claim 35 regarding what the office action views as a contradiction in the limitations of the claim. As amended, claim 35 (as dependent on claims 18 and 34) requires "receiving [at a first node] a communication request for a dynamically allocated channel between a second node and a third node including receiving request data from the second node" (claim 18) and this request includes "a request to assign a communication session for passing a data stream between the second node and the third node" (claim 34). Claim 35 also recites a "a request for altering a capacity of a dynamically allocated

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channel between the second node and the third node, said request being sent from the second node and received at the third node" (claim 35). There are therefore two requests in claim 35: the "request to assign" (claims 18 and 34) and the "request for altering capacity" (claim 35) therefore there would be no contraction should the requests be received by different nodes. Note further that the specification supports request sent from one node and can be received at multiple nodes in the communication ring. For example, the passage on page 17, lines 13-23, discloses that a request to increase the allocated bandwidth may be sent from one node and received at multiple nodes before it reaches the arbiter node. Therefore, even if there were one common request, it would not necessarily be inconsistent for that one request to be sent from one node and received at multiple other nodes.

Please apply \$475.00 for the Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050 referencing 10939-002001.

Respectfully submitted,

Date: Aug. 20, 2004

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